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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/684,175 | 10/10/2003 | Chen Chun Shan | 13981 B | 2622 |

36672 7590 05/21/2004

CHARLES E. BAXLEY, ESQ.
90 JOHN STREET
THIRD FLOOR
NEW YORK, NY 10038

EXAMINER

HASAN, MOHAMMED A

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2873

DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|-------------------------------|--|
| Office Action Summary | Application No. | Applicant(s) <i>ne</i> | |
| | 10/684,175 | SHAN, CHEN CHUN | |
| | Examiner | Art Unit | |
| | Mohammed Hasan | 2873 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 - 5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Oath/Declaration

1. Oath and declaration filed on 10/10/2003 is accepted.

Claim Objections

2. Claim 2, 4 and 5 are objected to because of the following informalities:

Claim 2, line 2, delete " the meniscus lens", insert - - the negative meniscus lens

--.

Claim 4, line 2, after the word "object", insert - - , and - - .

Claim 5, line 2, after the word " image plane ", insert - - , and - - .

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 - 5 are rejected under 35 U.S.C. 102 (e) as being anticipated by Mihara et al (US 2003/0189762 A1).

Regarding claim 1, Mihara et al discloses (refer to figure 3b) a lens assembly comprising: a first lens group (G1) having a negative power, a second lens group (G2) having a positive power, and a third lens group (G3) having a positive power arranged in sequence from the object side, a gap between the first lens group and the second lens group being reduced and a gap between the second lens group and the third lens group being widened when the wide mode to telephoto mode, the first lens group having a negative meniscus lens with a convex surface facing the object side and a positive meniscus lens with a convex surface facing the object side, the second lens group having positive lenses cemented together and a negative meniscus lens with a convex surface facing the object side, the third lens group (G3) having a bi-convex lens (paragraphs 0151 - 0152).

Regarding claim 2, Mihara et al discloses, wherein the focal length of the negative meniscus lens is f_{2n} and the focal length of whole second lens group is f_2 , the criteria is $1.0 \mid f_{2n} / f_2 \mid 2.2$ (paragraph 0272).

Regarding claim 3, Mihara et al discloses, the Abbe number of negative lens meniscus lens is V_{2n} the criteria is $35 < V_{2n} < 58$ (paragraph 0243, i.e., example 6).

Regarding claim 4, Mihara et al discloses, the negative meniscus lens has a surface which faces the object becomes an aspheric surface when the lens moves toward the periphery (paragraph 0168).

Regarding claim 5, Mihara discloses, the negative meniscus lens of the first lens group has a surface facing the image plane becomes an aspheric surface when the lens moves toward the periphery (paragraph 0168).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The closest prior art

Itoh (6,671,103 B2) discloses a zoom lens and optical apparatus using the same.

Shibayama et al (6,124,984) discloses variable magnification optical zoom lens system.

Nanba et al (US 2003 / 0133201 A1) discloses zoom lens and optical apparatus having the same.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammed Hasan whose telephone number is (571) 272-2331. The examiner can normally be reached on M-TH, 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on (571) 272- 2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2873

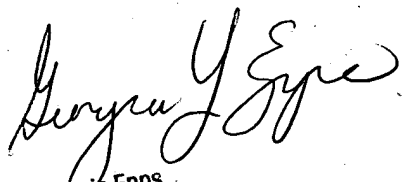
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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should
you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

MH
May 11, 2004


Georgia Epps
Supervisory Patent Examiner
Technology Center 2800